

REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the amendments and the remarks below.

Claims 28-31 are pending in this application. In response to the restriction requirement (Paper No. 23), Applicants elected Group 37, drawn to claims 28-31 directed to a peptide comprising SEQ ID NO: 45 (submitted by facsimile on April 25, 2003).

Claims 28-31 have been amended. These claim amendments are made to clarify the subject matter therein. Therefore, these amendments are submitted in order to place the claims in condition for allowance, and do not disclaim any subject matter to which the Applicants are entitled.

Specification

The Examiner has requested an update of the status of all parent priority applications to the specification (Paper No. 28, page 2). At this time, there are no U.S. parent priority applications.

Sequence Listing

Applicants' acknowledge that the CRF and paper sequence listing have been entered.

Rejection Under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 30 and 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention (Paper No. 28, page 3). Applicants respectfully traverse this rejection.

The Examiner stated that claims 30 and 31 are indefinite in that they do not clearly set forth method steps to carry out "a method for detecting" and a method for differentiating," the claims are incomplete for omitting essential steps, such omission amounting to a gap between steps (Paper No. 28, page 3).

Claims 30 and 31 have been amended to recite specific steps. Support for amended claim 30 may be found on page 5, lines 4-10 and pages 11, line 16 to page 13, line 20 of the specification. Support for amended claim 31 may be found on page 5, line 11 to page 11, line 15 of the specification.

It is thus submitted that the claims 30 and 31 meet the requirements of 35 USC § 112, second paragraph, and reconsideration and withdrawal of the present rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claim 28 under 35 U.S.C. § 102(e) as being anticipated by Saeki, et al., (U.S. Patent No. 5,639,601) (Paper No. 28, pages 3-4). Applicants respectfully traverse this rejection.

As amended, claim 28 recites SEQ ID NO: 45. Saeki, et al., does not teach or disclose SEQ ID NO: 45. Since Saeki, et al., does not disclose SEQ ID NO: 45, Saeki, et al., does not teach each and every limitation of the claimed invention. Since Saeki, et al., does not teach each and every limitation of the claimed invention, a proper rejection under 35 U.S.C. § 102(e) has not been established. Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

The Examiner rejected claim 29 under 35 U.S.C. § 102(e) as being anticipated by Robertson, et al., (GeneBank Accession No. P03308) (Paper No. 28, pages 3-4). Applicants respectfully traverse this rejection.

As amended, claim 29 specifically recites SEQ ID NO: 45. Robertson, et al., discloses a genome polyprotein of the foot-and -mouth virus; however, Robertson, et al., does not specifically teach or disclose SEQ ID NO: 45. That is, Robertson, et al., does not teach or disclose that SEQ ID NO: 45 is an immunogenic peptide. Since Robertson, et al., does not teach each and every limitation of the claimed invention, a proper rejection under 35 U.S.C. § 102(e) has not been established. Accordingly, Applicants respectfully request reconsideration and withdrawal of the of the present rejection.

CONCLUSION

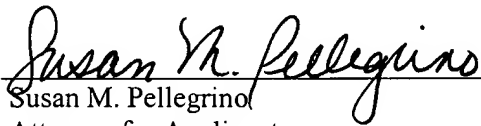
For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, reconsideration and withdrawal of the present rejections, and entry of the amendments. Should there be any further matter requiring consideration, Examiner Winkler is invited to contact the undersigned counsel.

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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Claim Amendments

28. (Currently amended) A peptide ~~comprising~~ consisting of a sequence of 8 to ~~35~~ 14 amino acids which corresponds to SEQ ID NO: 45 ~~a partial sequence from the non-structural protein region of FMDV~~, wherein said peptide has been selected through immunoreactivity with FMDV-specific antibodies or through immunoreactivity with FMDV-specific T lymphocytes.
29. (Currently amended) A peptide ~~comprising~~ consisting of a polypeptide sequence ~~selected from the group consisting of~~ SEQ ID NO. 1 to 15, 23 to 43, and 45 to 48.
30. (Currently amended) A method for detecting FMDV infected animals comprising ~~detecting immunoreactivity against a peptide comprising a polypeptide sequence selected from the group consisting of~~ SEQ ID NO. 1 to 15, 23 to 43, and 45 to 48. the steps of:
 isolating serum from said animal; and
 detecting the presence of FMDV antibodies specific for the peptide of SEQ ID NO: 45.
31. (Currently amended) A method for differentiating vaccinated and infected animals comprising ~~detecting immunoreactivity against a peptide comprising a polypeptide sequence selected from the group consisting of~~ SEQ ID NO. 1 to 15, 23 to 43, and 45 to 48. the steps of:
 isolating lymphocytes from a vaccinated or infected animal;
 co-incubating the lymphocytes with a peptide of SEQ ID NO: 45; and
 detecting one or more responses consisting of lymphocyte proliferation, cytokine production, and cytolytic activity.